



General Assembly

February Session, 2012

Amendment

LCO No. 4580

SB0017704580SD0

Offered by:
SEN. PRAGUE, 19th Dist.

To: Subst. Senate Bill No. 177

File No. 420

Cal. No. 319

**"AN ACT CONCERNING NOTIFICATION TO POTENTIAL AND
EXISTING NURSING HOME OWNERS."**

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- 1 In line 8, strike "printed in no"
 - 2 In line 9, strike "less than eighteen-point boldface type of uniform
3 font"
 - 4 In line 10, strike "Any" and insert in lieu thereof "The state of
5 Connecticut values the quality of care provided to residents in nursing
6 homes. Please be aware that any"
 - 7 In line 15, after "to" insert "civil and"
 - 8 In line 16, strike "in addition to civil and" and insert in lieu thereof
9 "as well as" and after "under" insert "applicable"
 - 10 In line 40, after "statement" insert ":",
 - 11 Strike line 41 in its entirety

12 In line 42, strike, "Any" and insert in lieu thereof "The state of
13 Connecticut values the quality of care provided to residents in nursing
14 homes. Please be aware that any"

15 In line 47, after "to" and before "criminal" insert "civil and" and
16 strike "in addition to"

17 In line 48, strike "civil and" and insert in lieu thereof "as well as" and
18 after "under" insert "applicable"

19 In line 60, after "owners" insert ", including, but not limited to, an
20 officer, director, trustee, limited partner, managing partner, general
21 partner or any person having at least a ten per cent ownership interest
22 in the owner, as well as any administrator, assistant administrator,
23 medical director, director of nursing or assistant director of nursing,"

24 After the last section, add the following and renumber sections and
25 internal references accordingly:

26 "Sec. 501. Subsection (b) of section 17b-403 of the general statutes is
27 repealed and the following is substituted in lieu thereof (*Effective*
28 *October 1, 2012*):

29 (b) The State Ombudsman shall serve on a full-time basis, and shall
30 personally or through representatives of the office:

31 (1) Identify, investigate and resolve complaints that:

32 (A) Are made by, or on behalf of, residents or, as to complaints
33 involving the application for admission to a long-term care facility, by
34 or on behalf of applicants; and

35 (B) Relate to action, inaction or decisions that may adversely affect
36 the health, safety, welfare or rights of the residents, including the
37 welfare and rights of the residents with respect to the appointment and
38 activities of guardians and representative payees, of (i) providers or
39 representatives of providers of long-term care services, (ii) public
40 agencies, or (iii) health and social service agencies;

41 (2) Provide services to protect the health, safety, welfare and rights
42 of the residents;

43 (3) Inform the residents about means of obtaining services provided
44 by providers or agencies described in subparagraph (B) of subdivision
45 (1) of this subsection or services described in subdivision (2) of this
46 subsection;

47 (4) Ensure that the residents and, as to issues involving applications
48 for admission to long-term care facilities, applicants have regular and
49 timely access to the services provided through the office and that the
50 residents and complainants receive timely responses from
51 representatives of the office to complaints;

52 (5) Represent the interests of the residents, and of applicants in
53 relation to issues concerning applications to long-term care facilities,
54 before governmental agencies and seek administrative, legal and other
55 remedies to protect the health, safety, welfare and rights of the
56 residents;

57 (6) Provide administrative and technical assistance to
58 representatives to assist the representatives in participating in the
59 program;

60 (7) (A) Analyze, comment on and monitor the development and
61 implementation of federal, state and local laws, regulations, and other
62 governmental policies and actions that pertain to the health, safety,
63 welfare and rights of the residents with respect to the adequacy of
64 long-term care facilities and services in this state and to the rights of
65 applicants in relation to applications to long-term care facilities;

66 (B) Recommend any changes in such laws, regulations, policies and
67 actions as the office determines to be appropriate; and

68 (C) Facilitate public comment on the laws, regulations, policies and
69 actions;

70 (8) Advocate for:

71 (A) Any changes in federal, state and local laws, regulations and
72 other governmental policies and actions that pertain to the health,
73 safety, welfare and rights of residents with respect to the adequacy of
74 long-term care facilities and services in this state and to the health,
75 safety, welfare and rights of applicants which the State Ombudsman
76 determines to be appropriate;

77 (B) Appropriate action by groups or agencies with jurisdictional
78 authority to deal with problems affecting individual residents and the
79 general resident population and applicants in relation to issues
80 concerning applications to long-term care facilities; and

81 (C) The enactment of legislative recommendations by the General
82 Assembly and of regulatory recommendations by commissioners of
83 Connecticut state agencies;

84 (9) (A) Provide for training representatives of the office;

85 (B) Promote the development of citizen organizations to participate
86 in the program; and

87 (C) Provide technical support for the development of resident and
88 family councils to protect the well-being and rights of residents;

89 (10) Coordinate ombudsman services with the protection and
90 advocacy systems for individuals with developmental disabilities and
91 mental illnesses established under (A) Part A of the Development
92 Disabilities Assistance and Bill of Rights Act (42 USC 6001, et seq.), and
93 (B) The Protection and Advocacy for Mentally Ill Individuals Act of
94 1986 (42 USC 10801 et seq.);

95 (11) Coordinate, to the greatest extent possible, ombudsman services
96 with legal assistance provided under Section 306(a)(2)(C) of the federal
97 Older Americans Act of 1965, (42 USC 3026(a)(2)(C)) as amended from
98 time to time, through the adoption of memoranda of understanding
99 and other means;

100 (12) Create, and periodically update as needed, a training manual

101 that provides guidance on structuring and implementing the fear of
102 retaliation training required by section 19a-522c, as amended by this
103 act, for use by nursing home facilities;

104 ~~[(12)]~~ (13) Provide services described in subdivisions (1) to [(11)]
105 (12), inclusive, of this subsection, to residents under age sixty living in
106 a long-term care facility, if (A) a majority of the residents of the facility
107 where the younger person resides are over age sixty and (B) such
108 services do not weaken or decrease service to older individuals
109 covered under this chapter; and

110 [(13)] (14) Carry out such other activities and duties as may be
111 required under federal law.

112 Sec. 502. Section 19a-522c of the general statutes is repealed and the
113 following is substituted in lieu thereof (*Effective October 1, 2012*):

114 A nursing home administrator of a chronic and convalescent
115 nursing home or a rest home with nursing supervision shall ensure
116 that all facility staff receive annual in-service training in (1) an area
117 specific to the needs of the patient population at such facilities, and (2)
118 residents' fear of retaliation. A nursing home administrator shall
119 ensure that any person conducting the in-service training is familiar
120 with needs of the patient population at the facility, provided such
121 training need not be conducted by a qualified social worker or
122 qualified social worker consultant. A nursing home administrator shall
123 ensure that the in-service training in residents' fear of retaliation
124 includes discussion of (A) residents' rights to file complaints and voice
125 grievances, (B) examples of what might constitute or be perceived as
126 employee retaliation against residents, and (C) methods of preventing
127 employee retaliation and alleviating residents' fear of retaliation. In
128 accordance with section 19a-36, the Commissioner of Public Health
129 shall amend the Public Health Code in conformity with the provisions
130 of this section."

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| This act shall take effect as follows and shall amend the following sections: | | |
| Sec. 501 | <i>October 1, 2012</i> | 17b-403(b) |
| Sec. 502 | <i>October 1, 2012</i> | 19a-522c |